

and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section —205(g) of this title and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) **IMPLEMENTATION.**—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) **COMPLETION AND REVIEW OF PLANS.**—

(1) **PLANS REQUIRED.**—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) **REVIEW AND UPDATES.**—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) **DEFINITIONS.**—In this section:

(1) The term “high-consequence target” means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term “catastrophic impact zone” means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term “rail carrier” has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. —213. MEMORANDUM OF AGREEMENT.

(a) **MEMORANDUM OF AGREEMENT.**—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of

enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) **RAIL SAFETY REGULATIONS.**—Section 20103(a) of title 49, United States Code, is amended by striking “safety” the first place it appears, and inserting “safety, including security”.

SEC. —214. RAIL SECURITY ENHANCEMENTS.

(a) **RAIL POLICE OFFICERS.**—Section 28101 of title 49, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “Under”; and

(2) by striking “the rail carrier” each place it appears and inserting “any rail carrier”.

(b) **REVIEW OF RAIL REGULATIONS.**—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. —215. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. —216. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) **WIRELESS COMMUNICATIONS.**—

(1) **IN GENERAL.**—In conjunction with the research and development program established under section —206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section —205(g) of this title) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) **COORDINATION.**—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with

any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) **FUNDING.**—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section \$3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. —217. AUTHORIZATION OF APPROPRIATIONS.

(a) **TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.**—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

“(u) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Homeland Security, (Transportation Security Administration) for rail security—

“(1) \$206,500,000 for fiscal year 2007;

“(2) \$168,000,000 for fiscal year 2008; and

“(3) \$168,000,000 for fiscal year 2009.”.

(b) **DEPARTMENT OF TRANSPORTATION.**—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

(1) \$225,000,000 for fiscal year 2007;

(2) \$223,000,000 for fiscal year 2008; and

(3) \$223,000,000 for fiscal year 2009.

TITLE —IMPROVED MARITIME SECURITY

SEC. —301. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This title may be cited as the “Maritime and Transportation Security Act of 2006.”

(b) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

TITLE	—IMPROVED MARITIME SECURITY
Sec. —301.	Short title; table of contents.
Sec. —302.	Establishment of additional interagency operational centers for port security.
Sec. —303.	Area maritime transportation security plan to include salvage response plan.
Sec. —304.	Assistance for foreign ports.
Sec. —305.	Specific port security initiatives.
Sec. —306.	Technical requirements for non-intrusive inspection equipment.
Sec. —307.	Random inspection of containers.
Sec. —308.	Port security user fee study.
Sec. —309.	Port security grants.
Sec. —310.	Work stoppages and employee-employer disputes.
Sec. —311.	Inspection of car ferries entering from Canada.

SEC. —302. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) **IN GENERAL.**—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) **CHARACTERISTICS.**—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami,